

DAVIE AGRICULTURAL ADVISORY BOARD
MAY 23, 2006

1. ROLL CALL

The meeting was called to order at 7:05 p.m. Board members present were Chair Julie Aitken, Jason Hurley and Jacque Daniels. Also present was Board Secretary Jenevia Edwards recording the meeting. Councilmember Susan Starkey was absent.

2. APPROVAL OF MINUTES: November 22, 2005
January 24, 2006

Ms. Daniels made a motion, seconded by Mr. Hurley, to approve the minutes of November 22, 2005 and January 24, 2006. In a voice vote, with Councilmember Starkey being absent, all voted in favor. **(Motion carried 3-0)**

3. SELECTION OF CHAIR

Chair Aitken nominated Mr. Hurley as Chair, seconded by Ms. Daniels. As there were no other nominations, the nominations were closed. In a voice vote, all voted in favor. **(Motion carried 3-0)**

4. SELECTION OF VICE-CHAIR

Ms. Aitken nominated Ms. Daniels as Vice-Chair, seconded by Chair Hurley. As there were no other nominations, the nominations were closed. In a voice vote, all voted in favor. **(Motion carried 3-0)**

5. DISCUSSION

5.1 Agriculture and Code Enforcement Issues – Denise Roszkowski

Ms. Roszkowski explained that she was referred to the Agricultural Advisory Board by Code Compliance Official Danny Stallone. She indicated that she had been complaining for years about problems with agricultural properties along Flamingo Road that was not really agricultural. Ms. Roszkowski stated that recently two businesses opened on Hiatus Road that did not have agricultural exemption from Broward County and the owners claim that they were protected by the Florida Right to Farm Act although nothing was produced on the property. She indicated that she was familiar with the Florida Right to Farm Act and had been in the agricultural business for over 24 years.

Ms. Roszkowski explained that six months ago, these businesses were residences and literally overnight everything that grew on the properties was eliminated and was replaced with road rock and an irrigation system. She presented photographs of the locations and commented that these businesses were in the middle of a residential area, and although her complaint was about the locations on Hiatus Road, there were many locations of this nature along Flamingo Road that she had been complaining about as well for some time. She commented that the sign permit exemption was also being abused.

A lengthy discussion followed with Boardmembers commenting that there had been discussions on this issue at previous meetings. Ms. Aitken indicated that if a farm did not have the agricultural classification, the owner had to make a farm claim to have the determination made by the Town's Development Services Director or the Code Compliance Official. Ms. Roszkowski commented that the businesses in question were commercial enterprises and she did not want Hiatus Road to become another Flamingo Road.

Vice-Chair Daniels commented that if Ms. Roszkowski's complaints were true, the person responsible for making the determination was Mr. Stallone and she questioned why Mr. Stallone had referred her to the Agricultural Advisory Board. Ms. Roszkowski stated that Mr. Stallone indicated to her that he was under the direction of the Town Council who determined what issue was a priority and they had determined that the agricultural code issue was not a priority.

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A lengthy discussion followed with Ms. Aitken commenting that the intent of the law was to protect legitimate farm activities on legitimate farms and not to protect people who were pretending to be farmers and abusing the law. Ms. Aitken indicated that it appeared that most of the abusers were nursery operators. She explained that in order to be protected by the Right to Farm Act, a farm operation had to be in operation for one year without any complaints. Ms. Roszkowski indicated that she was the only one complaining and she did not have the support of her neighbors as they did not appear to be bothered by these businesses. Ms. Aitken reiterated that this issue had been discussed on numerous occasions and Mr. Stallone was also bothered by this issue.

A brief discussion ensued highlighting the businesses along Flamingo Road that claimed to be agricultural businesses but were not. Ms. Roszkowski stated that if these businesses were allowed to continue to operate, Hiatus Road would become another Flamingo Road. She commented that the businesses appeared to be protected under the Florida Right to Farm Act based on information she had garnered from the Davie Farmers Guide. Boardmembers disagreed. Chair Hurley explained that to be classified as a farm, agricultural classification had to be derived through the Property Appraiser's Office. If this was not in place, special provisions would have to be derived through the Town and criteria had to be met to acquire the agricultural classification.

Vice-Chair Daniels commented that the problem with these businesses appeared to be signage which required a permit. Ms. Roszkowski indicated that they did not have a permit. Ms. Aitken explained that if the businesses were farms, a permit was not necessary. However, if they did not have the agricultural classification a permit was needed until a farm claim was made and an administrative determination was made by Mr. Stallone or Mr. Kutney. Ms. Aitken added that if the businesses did not have the agricultural classification and a farm determination was not made, the owners were in violation. She explained that the Board had met with Mr. Stallone because it recognized the existing problem of the abusers. Ms. Aitken indicated that the Board wanted to amend the Code definitions as it pertained to agriculture to make it clear so that Mr. Stallone would be able to enforce those violations.

A brief discussion followed with Vice-Chair Daniels commenting that Mr. Stallone was avoiding "stepping on toes" of the legitimate farmers. The consensus was that the Board did not have a problem with legitimate nurseries continuing along Hiatus Road; however, the problem was when the business switched from being agriculture to ancillary uses.

Ms. Aitken explained that after meeting with Mr. Stallone, the Board created a policy statement to provide him with direction. She commented that after reviewing the Code, it became clear that there was no definition to distinguish a real nursery from a landscape maintenance company. At the November 22nd meeting, the Code issue was discussed with Mr. Stallone who indicated that he would review the Code to see how it could be amended. Ms. Aitken suggested that another meeting be held with Mr. Stallone and a recommendation be made to Council to amend the Code in order to strengthen Code Compliance's position. Vice-Chair Daniels commented that a Code amendment would not take place overnight.

A lengthy discussion ensued regarding the agricultural classification, protection under the Right to Farm Act, the farm designation, and the difficulty by the Code Compliance Division in enforcing Code violations. Ms. Roszkowski indicated that so far, her complaints had fallen on deaf ears and she was afraid that these businesses would continue to operate for a year. She commented that she had sent emails to Councilmember Starkey and received no response.

Ms. Roszkowski advised that she had attended a Council meeting and complained about the issue and provided Councilmembers with photographs of the businesses. Ms. Aitken commented that the complaint was official since it had been presented to Council. She added that the problem should be dealt with by Code Compliance.

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Ms. Roszkowski suggested that although the sign permit exemption was for legitimate farms, it no longer appeared to be appropriate and might have to be amended to protect legitimate farmers. Ms. Aitken explained that the Town could not make any amendment to this exemption because it was State law.

Ms. Roszkowski added that she would be interested in becoming a member of the Board and she had contacted Councilmember Starkey who indicated that she was unable to find anyone who was interested in being on the Board. Chair Hurley asked that the Board Secretary inform Councilmember Starkey that Ms. Roszkowski was interested in being appointed to the Board. He added that she had the expertise in the nursery field that the present Boardmembers were lacking. Ms. Roszkowski commented that even if she was not appointed to the Board, she was willing to offer any needed assistance to the Board.

5.2 Merging of Open Space Advisory Committee with the Agricultural Advisory Board

Ms. Aitken commented that the Agricultural Advisory Board had specific and different tasks than the Open Space Advisory Board. She indicated that she had served on the Open Space Bond Advisory Board to assist in the creation of the criteria for the \$25,000,000 bond. Ms. Aitken explained that it was the Open Space Bond Advisory Board recommendation that once the criteria were approved by Council, the Open Space Advisory Committee would be responsible to go through the selection process to advise Council in the purchase of open space. She commented that the Open Space Advisory Board would be so “bogged down” with its issues, that the issues that the Agricultural Advisory Board was trying to accomplish would be lost. Vice-Chair Daniels pointed to the present Code issue and stated that this Board had not accomplished as much as it would have liked, and it was less likely that any of this Board’s agendas would be a priority if it merged with the Open Space Advisory Committee.

Joyce Steward, Chair of the Open Space Advisory Committee stated that discussions at their meeting were similar to this Board. The Committee’s recommendation was forwarded to Council that both boards went in different directions even though the final goals were similar.

A brief discussion followed regarding vacancies and Council appointments. Vice-Chair Daniels explained that this Board met monthly but had not had any meetings recently due to a lack of quorum with Ms. Steward suggesting that bi-monthly meetings might be a solution. Ms. Steward commented that her Board had never cancelled a meeting due to lack of quorum and she had been a boardmember for a long time. She explained that the Open Space Advisory Committee met bi-monthly and had lengthy meetings. Vice-Chair Daniels agreed that it would not be beneficial to either board at this point to merge. Ms. Steward commented that from observing several agendas of this Board since the suggestion was made to merge the Boards, she had not seen an item that could be addressed by both boards as a common goal.

Jeff Dudley, an Open Space Advisory Committee member, commented that what needed to be addressed was the reason behind wanting the Boards to merge, and questioned if the “push” to merge was because the people on the board were not the “right” people. He added that this was not the reason for wanting the Boards to merge. Chair Hurley believed that the push to absolve this Board was politically motivated.

A lengthy discussion ensued with speculation as to the political issues behind the merge and whether this Board could survive based on the recommendation by the Open Space Advisory Board. The consensus was that it was a member of Council and the Board questioned why. Mr. Dudley commented that the issue should be addressed “head-on” and speculated whether it was because of the bond issue. Boardmembers from both boards explained that they had received telephone calls asking how they felt about the two boards merging. Vice-Chair Daniels felt that the issue should have been presented to each board and commented that it was inappropriate to call individual boardmembers with the question. Mr. Dudley commented that having heard the discussions, the items of concern for each board were not closely related.

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Chair Hurley explained that because there had been some conflict of interest between Councilmembers in the past and there were some personalities that did not work together, the Board suffered as a result of that. He commented that the issue with this Board and the suggestion to merge was due to conflict between two Councilmembers. A brief discussion followed regarding the size of each board with questions as to whether that was the problem. Vice-Chair Daniels explained that each Councilmember appointed two people to each board; however, on this Board, Councilmembers only appointed one person and presently there was an existing vacancy.

Ms. Roszkowski commented that this Board was unique for the needs of farmers because there were not many farms remaining in Davie and maybe that dictated the size of the Board. She commented that each board was unique to existing situations and felt that each Board dealt with different issues.

A lengthy discussion ensued regarding the issue of quorum. Ms. Aitken commented that there were three active members on the Board and an existing vacancy, if one of the three members was unable to attend a scheduled meeting, that meeting had to be cancelled. Boardmembers commented that they knew of prospective candidates who were interested in being appointed to this Board; however, no appointments had been made.

Chair Hurley highlighted issues undertaken by this Board since its inception and the frequency of meetings. He commented that with the amount of work that was ahead for Open Space Advisory Committee, Council should be more receptive to having that Committee meet more frequently.

Ms. Aitken made a motion, seconded by Vice-Chair Daniels, that the Agricultural Advisory Board had separate issues and had more pressing things coming up on the horizon and at least for the time being, should stay separate from the Open Space Advisory Committee and continue on agricultural endeavors. In a voice vote, with Councilmember Starkey being absent, all voted in favor. **(Motion carried 3-0)**

A brief discussion followed regarding the green market. It was the Board's consensus that the idea for the green market was pushed too quickly and poor timing made for a disappointing turnout. However, there were plans to get the green market "going" in the future.

6. OLD BUSINESS

6.1 Finalizing Revisions to the Davie Farmers Guide

Ms. Aitken advised that the hobby farm ordinance had been codified and there was now a hobby farm law. She highlighted various changes and additions to the Davie Farmers Guide which included the agricultural classification and the open space bond. Ms. Aitken commented that she would place the entire document with the changes on a compact disk and present it to the Town Administrator and ask that the farmers guide be updated on the Town's webpage.

6.2 Agriculture Code Definitions

A brief discussion ensued with Ms. Aitken commenting that she had expected that Mr. Stallone would have contacted the Board regarding the revisions. Chair Hurley suggested that Mr. Stallone be invited to the June 27th meeting to finalize the changes that had been made. He commented that it was important to inform Mr. Stallone that a resident had contacted the Board with the issue of Code violations and that there was time for action. He indicated that if staff was short-handed, Mr. Stallone should be reminded that the Board had expressed that it was willing to use its resources, review the law and make the changes. Ms. Aitken suggested that a recommendation be made to Council with the final definition changes. She added that the changes would be passed by resolution and codified.

The consensus was that although the entire Code needed to be amended, it would be a lengthy process that would take an extremely long time and cost a large sum of money. Waiting to amend the

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entire Code would allow “so-called” farmers to take advantage of the Code because there was no clear definition.

7. NEW BUSINESS

Chair Hurley stated that the Board needed new members and a recommendation should be made to Council to appoint the required members who had expertise in the nursery business.

The Board discussed the problems with the ancillary use businesses and bogus leases by developers seeking a tax break, commenting that they would rather see a piece of property being used for row crops than being used as a garden center. Chair Hurley stated that if Council determined that these businesses were allowable he did not have a problem, but they should not be called agricultural businesses.

Vice-Chair Daniels made a motion, seconded by Ms. Aitken, to beseech Council to fill the vacancies with people with expertise in agriculture particularly in areas that the Board was lacking such as nursery and row crops. The Board would be happy to compile a list and provide it to Council. In a voice vote, with Councilmember Starkey being absent, all voted in favor. **(Motion carried 3-0)**

8. COMMENTS AND/OR SUGGESTIONS

There were no comments or suggestions.

9. ADJOURNMENT

There being no objections and no further business to discuss, the meeting adjourned at 8:27 p.m.

Date Approved

Chair/Board Member